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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,707	03/17/2004	Hung-Huei Cheng	MR1197-612	1848
4586	7590	12/29/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,707	<b>Applicant(s)</b> CHENG, HUNG-HUEI	
	<b>Examiner</b> Adam C. Rehm	<b>Art Unit</b> 2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: Lines 8 and 11 should read "...the flower bulb assemblies being wrapped around an upper portion of the trunk of the frame ~~and~~ to form a lighting flower..." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over SHATTAN (US 5,422,797) in view of HELLRICH (US 3,118,617). SHATTAN discloses a gathering of light-emitting assemblies comprising:

- A branchy frame having a trunk (2, Fig. 9) and a plurality of branches extending from the trunk (3/4/5);
- A plurality of "bulb assemblies" being a flower bulb assembly with a flower-type holder, the flower bulb assemblies being wrapped around an upper portion of the trunk of the frame to form a lighting flower (8a and 8b, Fig. 9 illustrate flower bulbs formed by wrapping around a portion of the frame, Fig. 8A); and
- A remaining portion of the assemblies wrapped on the branches of the frame to form lighting leaves (Fig. 9 illustrates non-flower bulbs or leaves).

3. SHATTAN does not disclose bulbs on a light string. However, a string of light bulbs is well known in the art and HELLRICH teaches bulbs on a light string that are wrapped around tree branches. It would have been obvious to one of ordinary skill in

the art at the time of invention to modify SHATTAN and use the string of light bulbs as taught by HELLRICH in order to provide an alternate and equivalent form of lighting that would at least facilitate changing the point of light sources for desired lighting effects, e.g. different colored lights.

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 1 has been considered but is substantially moot in view of the new ground(s) of rejection.

5. Applicant argues that the SHATTAN reference does not suggest the combination of elements, which form the invention of the subject patent application, and alleges the single lighting source to illuminate a multiplicity of fiber optic elements is distinct.

Notably, the plurality of fiber-optic elements has a plurality of end tips that are light-emitting elements. Some of the light-emitting elements form lighting flowers while others form lighting leaves as previously shown. As noted above, while SHATTAN does not specifically disclose the use of a string of bulbs, HELLRICH does teach the use of such in addition to wrapping a string of bulbs around a trunk. A thorough citation of numerous prior art references has been provided in order to illustrate that strings of light bulbs having variously-shaped reflector fittings, e.g. flower bulbs, are notoriously known in the art. The rejection is maintained.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2875

7. SHERMAN (US 6,203,171) discloses a string of lightbulbs wrapped around a tree trunk and limb.
8. EISENBRAUN (US 5,213,407) discloses a string of light bulbs for wrapping around a structure.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

#### ***Correspondence***

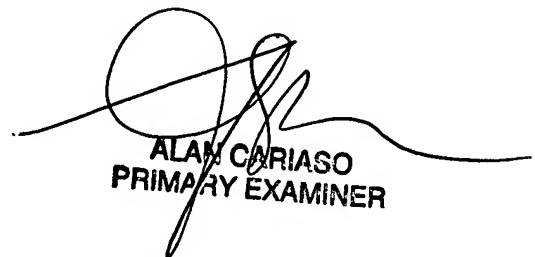
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
12/26/2005



ALAN CARIASO  
PRIMARY EXAMINER